

PATENT COOPERATION TREATY

REC'D 25 APR 2007

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/000299

International filing date (day/month/year)
07.01.2005

Priority date (day/month/year)
09.01.2004

International Patent Classification (IPC) or both national classification and IPC
C04B35/00, C25C3/06, B05D5/12, C04B41/50

Applicant

MOLTECH INVENT S.A.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the International application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	5,8,19, 20,22,24, 25, 31-37
	No: Claims	1-4,6-7,9-18,21,23,26-30,38-42
Inventive step (IS)	Yes: Claims	5,8,19,20,22,24,25,31-37
	No: Claims	1-4, 6-7, 9-18, 21,23,26,38-40
Industrial applicability (IA)	Yes: Claims	1-42
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)
and /or
2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

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Re Item V:

Reference is made to the following documents of the International Search Report:

- D1: WO 03/078695 A (MOLTECH INVENT S.A; NGUYEN, THINH, T; DE NORA, VITTORIO) 25 September 2003 (2003-09-25)
- D2: WO 01/42168 A (MOLTECH INVENT S.A; DE NORA, VITTORIO; DURUZ, JEAN-JACQUES) 14 June 2001 (2001-06-14)
- D3: WO 2004/024994 A (MOLTECH INVENT S.A; NGUYEN, THINH, T; DE NORA, VITTORIO) 25 March 2004 (2004-03-25)
- D4: US-B1-6 361 681 (DE NORA VITTORIO ET AL) 26 March 2002 (2002-03-26)
- D5: US-B1-6 425 992 (DE NORA VITTORIO) 30 July 2002 (2002-07-30)
- D6: EP-A-1 508 762 (MOLTECH INVENT S.A) 23 February 2005 (2005-02-23)
- D7: WO 01/42531 A (MOLTECH INVENT S.A; NGUYEN, THINH, T; DURUZ, JEAN-JACQUES; DE NORA, VI) 14 June 2001 (2001-06-14)

The present application does not meet the requirements of Article 33 (2) PCT because the subject matter of each of the Claims 1-4, 6 -7, 9 - 18, 21, 23, 26-30 and 38-42 is not new as explained below.

From D1 is known an anode for the electrowinning of aluminium which is coated with a ceramic material in order to withstand corrosion and to form a barrier against oxygen diffusion. Said ceramic material of the protective coating is formed according to example 3, in D1 after application of a slurry to the anode rod, said slurry containing TiO_2 , and colloidal particles of Fe_2O_3 and alumina (all particles being smaller than 44 microns). It is considered that the ceramic material resulting as coating on the anode rod of D1 has the same structure as in claim 1 of the present application, even if it is prepared by a slightly different method. Thus the material of claim 1 of the present application lacks novelty.

Similar objections apply for the other claims mentioned above in view of the documents D1-D7. See in this respect the respective citations in the Search report for each document.

It is not at present apparent if any of the remaining claims 5, 8, 19, 20, 22, 24, 25 and 31-37 or another part of the application could serve as a basis for a new, allowable

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claim. Should the applicants nevertheless regard some particular matter as patentable, an independent claim including such particular matter should be filed in two-part form taking account of Rule 6.3 (b) (I) and (ii) PCT. The applicants should also indicate in their letter of reply the difference vis-à-vis the state of the art as described in documents D1 to D7 and the inventive significance thereof.

Re Item VIII (Clarity):

The application does not comply with Article 6 PCT as to clarity and conciseness, the following points requiring attention:

- a) The scope of claim 1 does not differ from the scope of claim 38. Furthermore the scope of claim 1 encompasses that of claim 40. For these reasons claims 38-40 would appear to be redundant and should be deleted.
- b) The backreferences in claims 22, 40 and 42 are not correct. For clarity
 - claim 22 should *prima facie* refer to claim 21 and
 - claim 40 should refer back to claim 38 and claim 42 to claim 38.In addition claim 31 should preferably include a reference to claim 1.

As a precaution the attention of the applicants is drawn to the fact that the application may not be amended in such a way that it contains subject matter which extends beyond the content of the application as filed; (Article 34 (2) (b) PCT).

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34 (2) b) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.